

NOV 06 2003

Customer No. *B74*
25189
PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

ARDIZZONE, Vincent

Serial Number: 10/087,135 ✓

Examiner: VENIAMINOV, Nikita

Filed: February 28, 2002

Art Unit: 3736

For: **BI-AXIAL ROTATING MAGNETIC THERAPEUTIC DEVICE**

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST TO AMEND INVENTORSHIP
UNDER 37 CFR 1.48(a)**

Dear Sir:

This is a request under 37 C.F.R. § 1.48(a) to amend the inventorship of the above-captioned patent application due to the inadvertent omission of a co-inventor. A check including the fee of \$130.00 under 37 C.F.R. § 1.17(i) for this request is enclosed herewith.

In support of this request, enclosed are the following documents:

Declaration Under 37 C.F.R. § 1.48 Correction of Inventorship;

new Declaration by the actual inventors; and

written consent of the Assignee.

If the Examiner believes that a telephone or other conference would be of value in expediting the prosecution of the present application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicants invite the Examiner to contact Applicants' representative at the number listed below.

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Page 1 of 2

PATENT

Appl. No. 10/087,135

Amdt. dated November 4, 2003

01-9424

With the above-referenced changes, it is believed that the application is in a condition for allowance; and Applicants respectfully request the Examiner to pass the application on to allowance. It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicants' Attorney's Deposit Account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP



Daniel M. Cislo
Reg. No. 32,973
Tel.: (310) 451-0647 x128

Date: November 4, 2003

DMC/ASJ/mfn

Enclosures

Declaration Under 37 C.F.R. § 1.48 Correction of Inventorship
New Declaration by the actual inventors
Written consent of the Assignee

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PATENT
Appl. No. 10/087,135
Amtd. dated October 30, 2003
01-9424



Customer Number
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PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
ARDIZZONE, Vincent

Serial Number: 10/087,135 Examiner: VENIAMINOV, Nikita

Filed: February 28, 2002 Art Unit: 3736

For: **BI-AXIAL ROTATING MAGNETIC THERAPEUTIC DEVICE**

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ASSENT OF ASSIGNEE TO ADDITION OF INVENTOR(S)

Dear Sir:

Nu-Magnetics, Inc., the Assignee of the Assignment recorded on April 23, 2002, on reel 012824 at frame 0944 and comprising four pages, hereby assents to the correction of inventorship filed herewith.

A new assignment is enclosed as well as statements under 37 C.F.R. § 3.73(b) with regards to both the enclosed and the prior assignment.

Respectfully submitted,



Anthony Bove
President of Nu-Magnetics, Inc.

Date: October 31, 2003



PATENT ASSIGNMENT

This assignment made on March 14, 2002 by Vincent Ardizzone of Miller Place, New York (Assignor) to Nu-Magnetics, Inc. having a place of business at Post Office Box 572, Port Jefferson, New York 11177-0572 (Assignee):

WHEREAS, Assignor has invented a new, original and useful invention entitled BI-AXIAL ROTATING MAGNETIC THERAPEUTIC DEVICE (Invention), for which a United States patent application was filed on February 28, 2002, further identified by his/their attorneys', Cislo & Thomas LLP's, docket number Docket No. 01-9424;

WHEREAS, Assignor believes himself to be the original, first, and sole inventor of the Invention(s) disclosed and claimed in said Patent Application; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment his entire right, title, and interest in and to said Invention(s), and said Patent Application in the United States and throughout the world.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns, and transfers to Assignee, his entire right, title, and interest in and to said Invention(s), and said Patent Application for said Invention(s) in the United States and throughout the world, including the right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Further Assignor agrees that, upon request and without further compensation,

but at no expense to Assignor, he and his legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing said Patent Application in the United States and throughout the world for said Invention(s), and for perfecting, recording, or maintaining the title of Assignee, he successors and assigns, to said Invention(s), and said Patent Application filed, and any patents granted for said Invention(s) in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Patent granted for said Invention(s), whether on an application for said Invention(s), said Patent Application, or on any subsequently filed provisional, non-provisional, divisional, continuation, continuation-in-part, reissue, or other application, to Assignee, its successors and assigns, as the assignee of his entire interest in said Invention(s).

IN WITNESS WHEREOF, Assignor has executed this Assignment on the date first above written and as set forth below.

"Assignor"

Date: March 14, 2002


Vincent Ardizzone

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	01-9424
First Named Inventor	Ardizzone
COMPLETE IF KNOWN	
Application Number	10/087,135
Filing Date	28 Feb 02
Art Unit	3736
Examiner Name	VENIAMINOV, Nikita R.

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BI-AXIAL ROTATING MAGNETIC THERAPEUTIC DEVICE

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 02/28/2002 as United States Application Number or PCT International

Application Number 10/087,135 and was amended on (MM/DD/YYYY) 07/26/2002 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? Yes	Certified Copy Attached? No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: Customer Number: 25189 OR Correspondence address below

Name
DANIEL M. CISLO

Address
233 WILSHIRE BLVD., SUITE 900

City
SANTA MONICA State
CA ZIP
90401

Country
USA Telephone
310-451-0647 Fax
310-394-4477

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])	VINCENT	Family Name or Surname	ARDIZZONE
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Inventor's Signature	Date
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Residence: City PORT JEFFERSON	State NEW YORK	Country USA	Citizenship USA
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Mailing Address	9 STUARTS COURT
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City PORT JEFFERSON	State NEW YORK	ZIP 11777	Country USA
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NAME OF SECOND INVENTOR: A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])	THOMAS	Family Name or Surname	BOVE
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Inventor's Signature	Date
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Residence: City SPOKANE	State WASHINGTON	Country USA	Citizenship USA
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Mailing Address	EAST 17, 625 EAST EUCLID AVENUE
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City SPOKANE	State WASHINGTON	ZIP 99216	Country USA
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Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

NOV 04 2003

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COMPLETE IF KNOWN	
Application Number	10/087,135
Filing Date	28 Feb 02
Art Unit	3736
Examiner Name	VENIAMINOV, Nikita R.

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I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BI-AXIAL ROTATING MAGNETIC THERAPEUTIC DEVICE*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 02/28/2002 as United States Application Number or PCT International

Application Number 10/087,135 and was amended on (MM/DD/YYYY) 07/26/2002 (if applicable).

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I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? Yes	Certified Copy Attached? No
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			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Name
DANIEL M. CISLO

Address
233 WILSHIRE BLVD., SUITE 900

City SANTA MONICA	State CA	ZIP 90401
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Country USA	Telephone 310-451-0647	Fax 310-394-4477
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:	<input type="checkbox"/> A petition has been filed for this unsigned inventor
Given Name (first and middle [if any]) VINCENT	Family Name or Surname ARDIZZONE

Inventor's Signature <i>Vincent Ardizzone</i>	Date Nov. 3, 2003
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Residence: City PORT JEFFERSON	State NEW YORK	Country USA	Citizenship USA
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Mailing Address 9 STUARTS COURT	
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City PORT JEFFERSON	State NEW YORK	ZIP 11777	Country USA
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NAME OF SECOND INVENTOR:	<input type="checkbox"/> A petition has been filed for this unsigned inventor
Given Name (first and middle [if any]) THOMAS	Family Name or Surname BOVE

Inventor's Signature	Date
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Residence: City SPOKANE	State WASHINGTON	Country USA	Citizenship USA
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Mailing Address EAST 17, 625 EAST EUCLID AVENUE	
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<input type="checkbox"/>	Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.
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In re the application of:
ARDIZZONE, Vincent

Serial Number: 10/087,135 Examiner: VENIAMINOV, Nikita

Filed: February 28, 2002 Art Unit: 3736

For: **BI-AXIAL ROTATING MAGNETIC THERAPEUTIC DEVICE**

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.48 **CORRECTION OF INVENTORSHIP**

Dear Sir:

I, Thomas Bove, am a co-inventor of the Bi-Axial Rotating Magnetic Therapeutic Device, which is the subject of a utility patent application filed February 28, 2002, and is identified as application number 10/087,135.

I hereby request that the inventorship of the Bi-Axial Rotating Magnetic Therapeutic Device be corrected to reflect that I am a co-inventor.

I hereby declare that the error in inventorship occurred without deceptive intent on my part.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code

(18 U.S.C. § 1001) and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Date

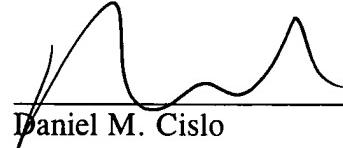
Nov 3, 2003


Thomas Bove

Respectfully submitted,

CISLO & THOMAS LLP

Date: October 4th, 2003


Daniel M. Cislo
Reg. No. 32,973
Tel.: (310) 451-0647 x128

DMC/ASJ/mfn

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